

DRC Meeting Minutes October 2004

The meeting was called to order at 10:10 a.m. with a quorum present.

Announcements

Senator Anderson announced that Marianne Yamnik has received another assignment in the House and will no longer with this Committee. He thanked her for her dedication and service to this Committee. Courtney Riddle was introduced as Marianne's replacement.

Minutes

A motion to approve the minutes as submitted as made by Commissioner Adam. Approved unanimously.

Custody Re-Write

The workgroup has met monthly to develop a proposal that reorganizes A.R.S. § 25-403. The proposal does not change any wording; it merely rearranges the sections in an attempt to make them flow properly. Commissioner Adam pointed out one change that was agreed upon by the workgroup but not reflected in the draft. Specifically, the drug offenses section should be moved directly below the domestic violence section.

Committee members were urged to review the drafts prior to the November meeting where a vote to advance it as a legislative proposal will be taken.

Creditor Issues

Ellen Seaborne just received copies of statutes from other community property states and will review them with the Creditor Issues workgroup during the lunch break.

Order of Protection

Listen to tape

1.

2.

We should bring in law enforcement (rural) to make sure they will not oppose this.

Megan will send to law enforcement associations. This is something we are considering for next session – do you have a concern about this. So we can get something before it is in bill draft.

3. Can meet for mediation or counseling if OP exists if ALL three things exist:

These meetings are already taking place under the exemptions currently in the law. We don't like A so won't be proposing legislation.

Members don't like B either.

Make the OP a two-way process.

4.

DRC supports.

DRC supports 2 and 4.

Send out 2 to law enforcement

Send out 4 to CIDVC for comment.

We will vote on 2 and 4 at the next meeting

Legislative Proposals

Megan Hunter provided copies and an overview of the Child Support Committee 2005 legislative proposals. One proposal would change the paternity section to make it consistent with language in the rest of Title 25, e.g. change Plaintiff/Defendant to Petitioner/Respondent and eliminate oral answers in paternity cases. The second proposal provides additional detail for litigants who request that child support be extended beyond the age of eighteen for disabled people.

IFC

Pinal County's program is still not doing much of anything due to lack of funding. Coconino County is also continuing to grapple with funding issues. Maricopa County's program is having difficulties in light of the Maricopa Family Court Review and plan. Ellen Seaborne would like the workgroup to meet soon to address the progress and problems.

Call to the Public

Ursula Hursh, parent, discussed a problem she had during a family court proceeding in which her child's father, without notification, requested that the child's name be changed from the mother's last name to his (the father's) last name. Mr. Hursh discussed the laws that govern this area and believes that the law was not followed in her case.

The Substantive Law Workgroup will review the laws and report back to the full Committee with a recommendation on whether the law should be changed. Ellen Seaborne suggested that the workgroup should look at paternity and divorce statutes.

Court Procedures

Brian Yee (Isabel, can you make sure it was him reporting) reported that the Governor has agreed to meet with members of this workgroup to discuss the dedicated family bench issues.

Education/Prevention

The Children's Education project will commence once Professor Sandler completes another national project. He may have found alternate funding for this project.

Substantive Law

The workgroup is working on the Order of Protection proposal that emanated from Dave Norton's presentation in September. They will meet prior to the next meeting of this Committee

and report at that time. They will also discuss the name change issue brought to the Committee's attention during the call to the public in today's meeting.

Other Workgroup Issues

Ellen Seaborne requested that a workgroup look into the possibility of modifying the law in dependency cases to require the court to also consider maternal or paternal relatives for placement when the case is getting close to the termination/adoption stage. Commissioner Adam mentioned that this may not be a Domestic Relations Committee issue. Megan Hunter will check if another court committee would be a more appropriate venue for this issue.

Next Meeting

The next meeting will be held on November 12, 2004, 10:00 a.m. – 2:00 p.m. at the Arizona State Courts Building, 1501 W. Washington, Conference Room 119, Phoenix.

Adjourn

The meeting was adjourned by Senator Brotherton at 2:10 p.m.